

		Page 46			Page 48
1	talking about?	10:10:19	1	Q. Do you have a credit line at any	10:12:30
2	BY MR. MOSKOWITZ:	10:10:20	2	other bank besides US Bank?	10:12:33
3	Q. Either US Bank or MB Financial.	10:10:20	3	A. Yes.	10:12:35
4	A. What's the question?	10:10:24	4	Q. What bank do you have a credit line	10:12:35
5	Q. Sure. Is one a payroll account as	10:10:25	5	besides US Bank?	10:12:38
6	compared to the other?	10:10:27	6	A. MB Financial Bank.	10:12:40
7	A. No.	10:10:28	7	Q. Anywhere else?	10:12:42
8	Q. Are both just checking accounts	10:10:30	8	A. No.	10:12:43
9	that the company has?	10:10:33	9	Q. Have you had credit lines at those	10:12:43
10	A. Yes.	10:10:33	10	two banks since 2000?	10:12:46
11	Q. Who are the signatories on those	10:10:34	11	A. No.	10:12:47
12	checking accounts?	10:10:36	12	Q. When did you first obtain a credit	10:12:48
13	A. Andrew Marks, Stanford Marks,	10:10:37	13	line at US Bank?	10:12:49
14	Stephanie Marks, and Eileen Klein. That's	10:10:42	14	A. 1979.	10:12:51
15	as to US Bank. As to MB Financial, I	10:10:47	15	Q. Okay. And you had it every year	10:12:56
16	believe it's Andrew Marks and Stanford	10:10:53	16	since?	10:12:59
17	Marks.	10:10:59	17	A. Yes. It wasn't called US Bank in	10:12:59
18	Q. Why would Stephanie Marks have	10:10:59	18	1979.	10:13:02
19	signature privileges on a company bank	10:11:03	19	Q. Whatever its predecessor name was.	10:13:03
20	account of which she is neither an officer,	10:11:07	20	What about at MB Financial?	10:13:05
21	director, or shareholder?	10:11:11	21	A. What's the question?	10:13:07
22	A. There are times when Stanford Marks	10:11:13	22	Q. Sure. When did you first start	10:13:07
23	and Andrew Marks are not in the office, and	10:11:15	23	having a credit line at MB Financial?	10:13:10
24	there are checks that need to be signed.	10:11:19	24	A. 2008.	10:13:12
		Page 47			Page 49
1	Q. And why would Ms. Klein be a	10:11:21	1	Q. In 2002 what was the credit line at	10:13:15
2	signatory on that account?	10:11:24	2	US Bank?	10:13:18
3	A. For the same reasons.	10:11:25	3	A. I don't recall.	10:13:19
4	Q. Is Ms. Klein a full-time employee?	10:11:33	4	Q. In 2003 what was the credit line at	10:13:21
5	A. No.	10:11:35	5	US Bank?	10:13:24
6	Q. She also works part time?	10:11:36	6	A. I don't recall.	10:13:24
7	A. Yes.	10:11:40	7	Q. In 2003 what was the credit line --	10:13:26
8	Q. When does she work?	10:11:41	8	excuse me -- in 2004 what was the credit	10:13:29
9	A. Wednesdays and Fridays.	10:11:42	9	line at US Bank?	10:13:33
10	Q. And who answers the phones on	10:11:48	10	A. I don't recall.	10:13:34
11	Monday, Tuesday, and Thursdays?	10:11:51	11	Q. In 2005 what was the credit line at	10:13:35
12	A. I do, Stanford Marks, Alyssa	10:11:53	12	US Bank?	10:13:38
13	Grabski, Lou Ann Formusa, Stephanie Marks.	10:11:59	13	A. I don't recall.	10:13:38
14	I think that's it.	10:12:06	14	Q. At 2006 what was the credit line at	10:13:39
15	Q. Are you there every day?	10:12:07	15	US Bank?	10:13:43
16	A. Yes.	10:12:09	16	A. I don't recall.	10:13:44
17	Q. Is your dad there every day?	10:12:09	17	Q. In 2007 what was the credit line at	10:13:45
18	A. Yes.	10:12:11	18	US Bank?	10:13:49
19	Q. Let's go back to our discussion of	10:12:20	19	A. I believe it was 20 million.	10:13:50
20	where you get the money. You have credit	10:12:23	20	Q. In 2008 what was the credit line at	10:13:58
21	lines at various banks?	10:12:25	21	US Bank?	10:14:01
22	A. Yes.	10:12:26	22	A. 20 and 25 million.	10:14:01
23	Q. You have a credit line at US Bank?	10:12:27	23	Q. When you say 20 and 25, what does	10:14:04
24	A. Yes.	10:12:30	24	that mean?	10:14:09

	Page 50		Page 52
1	A. That means for a certain portion of 10:14:10	1	A. I am not a guarantor. 10:16:21
2	the year, the credit line was 25 million. 10:14:12	2	Q. So you're a comaker? 10:16:22
3	Q. And it would go down to 20 for the 10:14:17	3	MR. QUINN: I'm going to object. 10:16:25
4	rest of the year? 10:14:20	4	Mr. Moskowitz, you asked about signatories. 10:16:26
5	A. Yes. 10:14:21	5	That was your question. 10:16:29
6	Q. That portion being after the tax 10:14:25	6	MR. MOSKOWITZ: Signatories and 10:16:30
7	sale? 10:14:26	7	makers. 10:16:31
8	A. Correct. 10:14:27	8	MR. QUINN: Well, your question was 10:16:33
9	Q. What about in 2008 at MB Financial? 10:14:43	9	signatories. 10:16:33
10	What was your credit line there? 10:14:46	10	MR. MOSKOWITZ: Okay. Let's 10:16:36
11	MR. QUINN: Mr. Moskowitz, what's 10:14:49	11	clarify it so the record is clear. 10:16:37
12	the relevance of this? 10:14:50	12	BY MR. MOSKOWITZ: 10:16:38
13	MR. MOSKOWITZ: The relevance of 10:14:51	13	Q. You know the distinction between a 10:16:39
14	that is you have asserted that you can 10:14:52	14	guarantor and a maker, do you not? 10:16:41
15	buy -- 10:14:54	15	A. I know what a guarantor is. By a 10:16:43
16	MR. QUINN: What's the relevance 10:14:54	16	maker, you mean a signatory? 10:16:46
17	for 2008? 10:14:56	17	Q. Signatory, one that is personally 10:16:47
18	MR. MOSKOWITZ: Okay. I withdraw 10:15:00	18	liable upfront for the debt. 10:16:50
19	the question. 10:15:02	19	A. Is that what you're telling me 10:16:53
20	BY MR. MOSKOWITZ: 10:15:03	20	that's what it is? 10:16:55
21	Q. Are you a signatory at the US Bank 10:15:10	21	Q. Yes, that's what I'm talking about. 10:16:55
22	lines of credit? 10:15:15	22	A. Okay. 10:16:55
23	A. Yes. 10:15:16	23	Q. Are you a maker or a guarantor? 10:16:56
24	Q. Is it a line of credit or just a 10:15:16	24	A. Neither. 10:16:58
	Page 51		Page 53
1	credit facility where you take out the money 10:15:24	1	Q. You are a signatory on the loan? 10:17:00
2	at one time? 10:15:27	2	MR. QUINN: Mr. Moskowitz, I object 10:17:03
3	A. I'm not sure I understand what 10:15:27	3	insofar as you're drawing legal conclusions 10:17:04
4	you're asking. 10:15:32	4	which I'm not sure are accurate. Perhaps 10:17:08
5	Q. There are various ways you can 10:15:32	5	you should ask Mr. Marks on whose behalf he 10:17:11
6	borrow money. You can borrow money, 20 10:15:34	6	was a signatory. 10:17:15
7	million dollars and they give you a 20 10:15:34	7	MR. MOSKOWITZ: I don't think it 10:17:16
8	million dollar check, and you deposit it 10:15:36	8	makes a difference. 10:17:17
9	into your account and you start paying 10:15:37	9	BY MR. MOSKOWITZ: 10:17:17
10	interest on the 20 million dollars right 10:15:39	10	Q. To the best of your understanding, 10:17:18
11	away or there's a line of credit where you 10:15:40	11	are you personally liable for the debt to US 10:17:19
12	can take out moneys as you need? 10:15:44	12	Bank? 10:17:22
13	A. It's a revolving line of credit. 10:15:46	13	A. No. 10:17:22
14	Q. And who are the signatories on the 10:15:50	14	Q. Is anyone personally liable for the 10:17:26
15	loans, if you know? 10:15:55	15	debt to US Bank? 10:17:30
16	A. Stanford Marks and Andrew Marks. 10:15:56	16	A. Yes. 10:17:31
17	Q. Is Phoenix Bond a signatory on the 10:16:02	17	Q. Who? 10:17:31
18	credit account? 10:16:06	18	A. Stanford Marks. 10:17:32
19	A. Phoenix Bond is the borrower. 10:16:07	19	Q. What is the credit facility of US 10:17:35
20	Q. And you are the guarantors or were 10:16:10	20	Bank secured by? 10:17:45
21	you a comaker? 10:16:13	21	A. Cook County tax certificates and 10:17:46
22	A. You who? 10:16:15	22	subsequent tax receipts. 10:17:50
23	Q. You being Andrew Marks and your 10:16:17	23	Q. What about if those tax 10:17:53
24	father, Stanford Marks. 10:16:19	24	certificates ripen into a deed, does the 10:17:57

		Page 54	Page 56	
1	bank get a security interest on that?	10:18:01	1	A. Correct. 10:20:47
2	A. No. 10:18:03		2	Q. And you had no other lines or other 10:20:48
3	Q. Are there any documents that are in 10:18:14		3	bank credit available for those years to buy 10:20:51
4	the possession of Phoenix Bond which would 10:18:17		4	tax certificates; is that not correct? 10:20:55
5	tell us how much was the credit facilities 10:18:20		5	A. That's correct. 10:20:57
6	in the years 2002 through 2006 that you said 10:18:23		6	Q. Let's talk about the sales 10:21:12
7	you did not know? 10:18:29		7	themselves. Who prepared the bid book? 10:21:13
8	A. Yes. 10:18:29		8	MR. LEVINE: Are we off highly 10:21:19
9	Q. What documents are those? 10:18:30		9	confidential? 10:21:21
10	A. That would be the statements from 10:18:31		10	MR. MOSKOWITZ: I don't know. Are 10:21:24
11	US Bank that relate to an unused line fee 10:18:38		11	we? 10:21:26
12	that was being charged by US Bank for the 10:18:43		12	THE WITNESS: I think it goes to 10:21:26
13	unused credit facility. That would indicate 10:18:46		13	the operation of our business. 10:21:26
14	the loan amount and loan balances. 10:18:54		14	MR. QUINN: Have you asked the 10:21:26
15	Q. How about the loan documents 10:18:57		15	question? 10:21:28
16	themselves? Does Phoenix Bond have a copy? 10:18:59		16	MR. MOSKOWITZ: Yes. Who prepared 10:21:29
17	A. Yes. 10:19:02		17	the bid book? 10:21:30
18	Q. Is your father a guarantor or did 10:19:03		18	MR. ROCHMAN: Don? 10:21:34
19	he sign personally on the note, if you know? 10:19:08		19	MR. LEVINE: Yes. 10:21:34
20	A. Guarantor. 10:19:10		20	MR. ROCHMAN: Just calling to see 10:21:36
21	Q. Is that guarantee agreement at the 10:19:11		21	if we're able to get back in yet? 10:21:39
22	offices of Phoenix Bond? 10:19:15		22	MR. LEVINE: I guess so. 10:21:41
23	A. I believe that it is. 10:19:16		23	MR. ROCHMAN: Are we on break? 10:21:43
24	Q. This revolving line of credit, has 10:19:18		24	MR. MOSKOWITZ: No. Hold on. Can 10:21:43
		Page 55	Page 57	
1	it been renewed in any particular point in 10:19:22		1	you hear us still? 10:21:48
2	time? 10:19:24		2	MR. ROCHMAN: Yes, I can hear you. 10:21:54
3	A. Yes. 10:19:25		3	MR. MOSKOWITZ: You're going to go 10:21:56
4	Q. And do you have copies of all of 10:19:26		4	back on the phone. 10:21:59
5	the renewals, you being Phoenix Bond? 10:19:29		5	MR. ROCHMAN: Should I call back or 10:21:59
6	A. Yes. 10:19:31		6	are you going to -- 10:21:59
7	Q. Is this information also set forth 10:19:34		7	MR. MOSKOWITZ: We're going to let 10:22:06
8	in the financial statements of Phoenix Bond? 10:19:36		8	you know. 10:22:07
9	A. I believe that it is. 10:19:39		9	MR. QUINN: Well, if we're 10:22:10
10	Q. During the sale, as the sale is 10:19:42		10	continuing to talk about the operation of 10:22:11
11	going on, who kept track of how much money 10:19:56		11	the business, then I think we're still in 10:22:12
12	was available? 10:20:00		12	the realm of highly confidential. 10:22:15
13	A. Which sale? 10:20:00		13	BY MR. MOSKOWITZ: 10:22:17
14	Q. Any sale. Let's start with the 10:20:01		14	Q. Who prepared the bid book? 10:22:17
15	year 2002. 10:20:03		15	A. Andrew Marks and Stanford Marks. 10:22:18
16	A. I don't know that we paid a lot of 10:20:05		16	Q. Anybody else? 10:22:21
17	attention to it. 10:20:10		17	A. No. 10:22:21
18	Q. Did there ever come a time that you 10:20:12		18	Q. Tell me how you went about 10:22:23
19	maxed out on your line of credit? 10:20:15		19	preparing a bid book. 10:22:25
20	A. Not that I recall. 10:20:17		20	A. Are you asking me what I did? 10:22:27
21	Q. And this line of credit from US 10:20:24		21	Q. What the company did. 10:22:30
22	Bank was used to buy any and all tax 10:20:38		22	A. Well, the company would research 10:22:33
23	certificates for the years 2002 through 10:20:42		23	disposition of prior taxes. We would do 10:22:37
24	2007; is that not correct? 10:20:45		24	some title investigation on some of the 10:22:42